

TTAB

Attorney Docket: DacoCyto-TM-opp
Express Mail No. EV419716345US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/216,191

Filed: February 18, 2003

For the Mark: DACOGEN

Published in the Official Gazette: September 23, 2003

DAKOCYTOMATION DENMARKS A/S,	§	
Opposer,	§	
v.	§	Trademark Opposition No.
	§	91159358
SUPERGEN, INC, Applicant.	§	

LETTER OF TRANSMITTAL

Box TTAB – NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir:

Transmitted for filing are the following items: 1) a Stipulated Motion For Further Suspension of Opposition Proceeding; 2) a Proof of Service; 3) a Certificate of Express Mailing; and 4) this Letter of Transmittal. Please confirm receipt of these documents by applying your date stamp on the enclosed postcard and returning it to me.

Pursuant to 37 C.F.R. Section 2.18, please direct all correspondence in the matter to me at the following address:

Santangelo Law Offices, P.C.
125 South Howes, Third Floor
Fort Collins, CO 80521



08-31-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

I have this 31st day of August, 2004, either myself personally or through my direction of staff at this office, deposited all of the items in the above Letter of Transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box TTAB – NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Dated this 31st day of August, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler
Cheryl Anderson-Siler
Attorney for Opposer
125 S. Howes, Third Floor
Fort Collins, CO 80521
(970) 224-3100

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**STIPULATED MOTION FOR FURTHER SUSPENSION
OF OPPOSITION PROCEEDING**

Opposer, DakoCytomation Denmark A/S, and the Applicant, Supergen, Inc., by and through their respective counsel, in accordance with TBMP § 510.03, respectfully motion the Trademark Trial and Appeal Board (the "Board") for an order further suspending this opposition proceeding. As grounds for their motion, Opposer states as follows: Suspension was granted in this opposition proceeding on June 1, 2004 for a period of three months. The parties to the opposition are in the process of settlement negotiations; one draft of an agreement has been exchanged and a revised version of that agreement will be exchanged shortly. The parties



08-31-2004

require additional time without opposition proceeding activities to work through their negotiations or to determine that they are unable to resolve the matter other than through the inter partes proceeding. It is anticipated that an additional period of ninety (90) days will be needed to allow the parties sufficient time to make reasonable progress in their negotiations or to determine that the inter partes proceeding should be resumed.

The parties therefore respectfully request that this opposition proceeding be further suspended for an additional period of ninety (90) days from the date of the filing of this Motion to allow the parties adequate time to further advance their settlement efforts.

Dated this 30th day of August, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler
Cheryl Anderson-Siler
ATTORNEY FOR OPPOSER
125 South Howes, Third Floor
Fort Collins, CO 80521
(970) 224-3100

HELLER EHRMAN WHITE & MCAULIFFE LLP

By: Harold J. Milstein
Harold J. Milstein
ATTORNEY FOR APPLICANT
275 Middlefield Road
Menlo Park, CA 94025-3506
(650) 324-7000

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PROOF OF SERVICE

The person whose signature appears below confirms that the attached Stipulated Motion for Further Suspension of Opposition Proceeding has been served upon the other party in this matter by transmitting a copy of the document by first class mail to: Harold J. Milstein, Esq., Heller Ehrman White & McAuliffe LLP, 275 Middlefield Road, Menlo, California 94025, which mailing was made this same day.

Dated this 31st day of August, 2004.

Respectfully Submitted,

SANTANGELO LAW OFFICES, P.C.

By: Cheryl Anderson-Siler
Cheryl Anderson-Siler
Attorney for Opposer
125 South Howes, Third Floor
Fort Collins, Colorado 80521
(970) 224-3100

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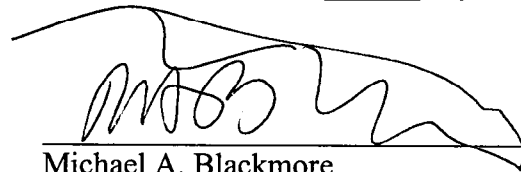
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CERTIFICATE OF EXPRESS MAILING

I, Michael A. Blackmore, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the following: 1) a Stipulated Motion For Further Suspension of Opposition Proceeding; 2) a Proof of Service; 3) a Letter of Transmittal; and 4) this Certificate of Express Mailing, with the United States Postal Service as Express Mail in an envelope, postage prepaid, addressed to: Box TTAB – NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, this 31st day of August, 2004.



Michael A. Blackmore